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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 UNITED STATES OF AMERICA,

Case No. 2:17-cr-0171-RFB

7 Plaintiff,

**ORDER**

8 v.

9 LEONEL HERNANDEZ,

10 Defendant.  
11

12 Before the Court is Defendant's Motion to Vacate. ECF No. 33. In his motion, Defendant  
13 argues that his conviction with respect being a felon in possession of firearm should also be vacated  
14 pursuant to Rehaif v. United States, 139 S. Ct. 2191 (2019). The Court rejects Defendant's  
15 argument on this point as well and also denies the motion on this ground. The Court finds that the  
16 Defendant's argument is and has been foreclosed by Greer v. United States, 141 S. Ct. 2090 (2021).  
17 The Court agrees with the government's arguments as to the controlling application of Greer to  
18 this case, and it incorporates that reasoning by reference.

19 For the reasons stated,

20 **IT IS HEREBY ORDERED** that Defendant's Motion to Vacate [ECF No. 33] is  
21 DENIED.

22 **IT IS FURTHER ORDERED** that the Motion for Leave [ECF No. 43] is GRANTED.

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24 **DATED:** May 23, 2023.

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27 RICHARD F. BOULWARE, II  
28 UNITED STATES DISTRICT JUDGE